

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE PENN MUTUAL LIFE INSURANCE :
COMPANY, :

Plaintiff, :

v. :

Case No. 1:15-cv-01111-AJN

KATHY KEHOE, as Trustee of the SICKNESS, :
ACCIDENT & DISABILITY INDEMNITY :
TRUST 2005; KATHY KEHOE, as Trustee of the :
GRIST MILL TRUST DATED 10-1-03; :
and UNIVERSITAS EDUCATION LLC, :

Defendants. :
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JOINT MOTION TO DEPOSIT FUNDS

This Joint Motion is made by: (1) The Penn Mutual Life Insurance Company (“Penn Mutual”); (2) Kathy Kehoe, as Trustee of the Sickness, Accident & Disability Indemnity Trust 2005 (the “SADI Trust”); and (3) Universitas Education LLC (“Universitas”) (collectively, the “Parties” and each individually, a “Party”).

WHEREAS, on February 17, 2015, Penn Mutual commenced this action by filing a Complaint In Interpleader against the SADI Trust and Universitas as a result of competing claims that had been made for the proceeds of life insurance policy number 008170968, which was issued by Penn Mutual on or about September 21, 2005, with a death benefit in the amount of \$1,250,000 (the “SADI Policy”).

WHEREAS, the Parties have mutually agreed that Penn Mutual shall pay the proceeds of the SADI Policy, plus accrued interest, into the Court Registry and be discharged from this action with respect to the SADI Policy only, while the SADI Trust and Universitas shall continue to assert in this action their claims to the proceeds of the SADI Policy.

WHEREFORE, the Parties respectfully request that this Court enter the below Order.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: April 7, 2015

By: /s/ Katherine L. Villanueva

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Dated: April 7, 2015

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Dated: April 7, 2015

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Kathy Kehoe, as Trustee of the Sickness,
Accident & Disability Indemnity Trust 2005

ORDER

AND NOW, upon consideration of the foregoing Joint Motion to Deposit Funds, **IT IS HEREBY ORDERED THAT:**

The SADI Trust and Universitas shall continue to assert in this action their claims to the proceeds of the SADI Policy;

Penn Mutual is hereby discharged from all liability in connection with, arising out of, or relating to the proceeds of the SADI Policy, subject only to Penn Mutual's obligation to comply with any final, non-appealable judgment entered in this action;

The SADI Trust and Universitas shall be enjoined from commencing any action or asserting any claims against Penn Mutual in connection with or related to the SADI Policy;

Penn Mutual is permitted and hereby ordered to deposit the proceeds of the SADI Policy, plus accrued interest, to the Court by delivering said proceeds to the Clerk of Court; and

The Clerk of Court shall deposit into the Court Registry the amount of \$1,250,000, plus accrued interest, which represents the proceeds of the SADI Policy plus accrued interest.

SO ORDERED.

Dated: April __, 2015
New York, New York

JUDGE ALISON J. NATHAN
United States District Judge